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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

BV JORDANELLE, LLC, an Idaho limited liability company, and BV LENDING, LLC, an Idaho limited liability company,

Plaintiffs,

v.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation,

Defendant.

NOTICE OF REMOVAL

Case: 2:14-cv-00351-PMW

Judge: Paul M. Warner

Removed from the Fourth Judicial District Court, Wasatch County, State of Utah, Civil No. 140500028

**TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES
AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446,

Defendant Old Republic National Title Insurance Company hereby removes the above-captioned

action from the Fourth Judicial District Court in and for Wasatch County to the United States District Court of Utah. This removal is supported by the following:

1. On April 2, 2014, Plaintiffs BV JORDANELLE, LLC and BV LENDING, LLC (“Plaintiffs”) filed a civil complaint in the Fourth Judicial District Court, Wasatch County, State of Utah, Civil No. 140500028, alleging claims against OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY (“Old Republic”).

2. Old Republic, through counsel, accepted service of the Summons and Complaint on April 15, 2014. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of the date Old Republic accepted service of the Complaint.

3. Defendant Old Republic has not yet filed an Answer or any other responsive document in the State Action.

4. To the Defendant Old Republic’s knowledge, other than the Complaint and Acceptance of Service, no other pleadings or documents have been filed in the State Action.

5. On the face of the Complaint, Plaintiffs are two Idaho limited liability companies with their principal places of business in Idaho Falls, State of Idaho. (Compl. ¶¶ 1 and 2.)

6. On the face of the Complaint, Defendant Old Republic is a Minnesota Corporation with its principal place of business in Minneapolis, Minnesota. (*Id.* ¶ 3.)

7. Accordingly, there is complete diversity of the parties in this matter.

8. In the Complaint, Plaintiffs allege three Causes of Action and seek damages against Defendant Old Republic in excess of \$6,000,000.00. (*Id.*, ¶¶ 93, 102 and 107.)

9. Therefore, this Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1332(a) because the parties are companies or individuals located in different states and the amount in controversy exceeds \$75,000, and hence, this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of “all process, pleadings, and orders served upon...defendant” in the Fourth Judicial District Court, Wasatch County, State of Utah, Civil No. 140500028 are attached as follows:

- a. the Complaint, attached as Exhibit A;
- b. Acceptance of Service, attached as Exhibit B;

11. Plaintiffs have made a Jury Demand.

12. A copy of this Notice of Removal is being filed with the Clerk of the Fourth Judicial District Court in and for Wasatch County, and is being served on all adverse parties pursuant to 28 U.S.C. § 1446(d).

13. In accordance with 28 U.S.C. § 1446(d), Defendant will also give written notice to Plaintiffs by contemporaneously serving this Notice of Removal on Plaintiffs.

WHEREFORE, Defendant Old Republic submits notice that the above-entitled matter is removed from the Fourth Judicial District Court, in and for Wasatch County, State of Utah, to this Court, in accordance with the provisions of 28 U.S.C. § 1446.

DATED this 7th day of May, 2014.

KIRTON McCONKIE

/s/ Peter C. Schofield
Anthony W. Schofield
Peter C. Schofield
Adam D. Wahlquist
*Attorneys for Old Republic National Title
Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2014, a true and correct copy of the foregoing **NOTICE OF REMOVAL** was served on the following in the manner indicated below:

| | |
|---|--------------------------------|
| Michael R. Johnson | (X) U.S. Mail, Postage Prepaid |
| Douglas M. Monson | () Hand Delivered |
| RAY QUINNEY & NEBEKER P.C. | () Overnight Mail |
| 36 South State Street, Suite 1400 | () Facsimile |
| Salt Lake City, Utah 84111 | (X) ECF/E-mail |
| Telephone: (801) 532-1500 | |
| Facsimile: (801) 532-7543 | |
| Email: mjohnson@rqn.com | |
| Email: dmonson@rqn.com | |

/s/ *Jenny Christensen*